

Oral Testimony of Helaine M. Barnett

Subcommittee on Commercial and Administrative Law
Oversight Hearing
March 31, 2004

Mr. Chairman, Congressman Watt, and Members of the Subcommittee, I am pleased to be here today, along with Frank B. Strickland, Chairman of the Legal Services Corporation Board of Directors, and want to thank you for this opportunity to appear before you on behalf of the Legal Services Corporation to discuss LSC's ongoing efforts to promote equal access to civil justice in America and to answer, to the best of my abilities, any questions that Members may have about LSC.

I assumed the Presidency of LSC on January 20 after 37 years of providing legal services to the indigent in New York City and managing the civil division of the Legal Aid Society of New York. Having spent my entire professional life helping low-income people in times of legal crisis, and having seen every day the critical difference that legal services lawyers make in the individual lives of poor clients facing homelessness, hunger, unemployment, and threats to their health and physical safety, I can say unconditionally that the support of Congress, this Subcommittee and the Administration is crucial.

LSC grantees assist victims of domestic violence to achieve liberty and self-sufficiency in a safe environment. They help seniors preserve maximum independence. They help uninsured individuals access health care. They help persons with disabilities obtain disability benefits that dramatically improve the quality of their lives. They preserve housing of families with children and prevent homelessness and shelter stays. Their clients include parents who seek custody arrangements to protect their children

from abuse, children who are in foster care seeking adoption by a loving and supportive family, elderly consumers seeking protection from fraudulent loan and collection practices, small family farmers in financial difficulties, veterans seeking government benefits to which they are entitled, and victims of natural disasters.

Without question, the federal government remains the single largest and most important funding source for civil legal services nationally. Yet, even with Congress' support, only an estimated 1 in 5 eligible low-income persons across this country is receiving assistance when confronted with a pressing civil legal problem, leaving 80 percent of our poor with unmet legal needs. Moreover, the 2000 U.S. Census reported an increase in the number of Americans living in poverty. More than 43 million people are now eligible for federal legal assistance, yet fewer than 3,700 LSC-funded attorneys nationwide are charged with providing that critical help to those most vulnerable and in need. Because of insufficient resources, LSC-funded programs are forced to turn away annually tens of thousands of eligible individuals with urgent civil legal problems.

In 1996, Congress passed a series of reforms requiring recipients of LSC funds to focus on the basic, day-to-day legal problems of America's poor. I strongly support Congress' decision to focus federal dollars in this way. The LSC Board and staff share a deep commitment to the mission of promoting equal access to our system of justice for eligible low-income Americans in unequivocal conformity with the mandates of Congress.

As LSC President, I am committed to ensuring full and faithful compliance with all congressional requirements and restrictions. LSC is proud of its strong record on grantee oversight and compliance. By and large, our grantees are very diligent and careful in complying with congressional requirements and restrictions.

Nevertheless, LSC will continue to devote very considerable staff resources to compliance and enforcement activities, in order to ensure that federal recipients abide by the 1996 restrictions, as well as all other laws and regulations governing federally-funded legal aid entities. Working with our Inspector General, LSC will closely monitor our programs and take strong, corrective action whenever a grantee fails to comply with the law or LSC regulations.

LSC will also continue to devote a considerable share of its attention and energy to devising strategies that promote the best and most efficient use of federal funds in every state. Congressional funding of innovative technology grants has been extremely successful in this regard. The Corporation has awarded grants which have made possible expanded access through hotlines and increased access to information through an array of self-help and community education materials to help clients help themselves, as well as more efficient intake structures and case management systems. LSC grantees close nearly 1 million cases a year, as well as approximately 4 million “matters”, such as a community legal education session. Only about 10 percent of LSC-funded cases are resolved through a court decision, while nearly 75 percent are resolved through advice, counsel or brief services. Often times, a letter or a phone call from a legal services attorney can resolve a problem at the outset, saving a substantial number of hours and dollars in the process. We seek to provide meaningful assistance to individual clients, while serving as an efficient problem-solving program and as a model of efficient dispute resolution.

This year, LSC is exploring how to better and more effectively promote “quality” in the delivery of legal services to the poor. We are examining how to define and measure quality and how we transmit the learning of this generation of leaders to the next.

In closing, I believe there are fewer responsibilities more important to a democracy than ensuring “equal justice under law.” I know from personal experience that legal services programs are often the last line of defense for hard-working poor men and women and their families who desperately need our help and who seek self-sufficiency and a measure of fairness in our society. I am proud to play a role in this vital effort, and I look forward to working closely with Congress in the future and welcome your thoughts and suggestions with respect to the work of LSC as we pursue the goal of equal justice for the poor in America. Thank you.